

CHAPTER 250

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 93-1326

BY REPRESENTATIVES Sullivan, Anderson, Fleming, Gordon, Knox, Lawrence, and Strom;
also SENATORS Wells, Roberts, and Tebedo.

AN ACT**CONCERNING POSTSECONDARY ENROLLMENT OPTIONS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 22-35-102, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-35-102. Legislative declaration. The general assembly hereby finds, determines, and declares that high school pupils need to be continually challenged in order to maintain their academic interests; that such challenges must include rigorous academic pursuits; that, for some students, exposure to such academic challenges declines during the last two years of high school as pupils complete their graduation requirements; that there is a high rate of dropouts at the eleventh and twelfth grade levels; that, for some students, courses not offered in high school or courses offered in a different setting may stimulate or maintain their interest; that providing a wider variety of options to high school pupils by encouraging and enabling secondary pupils to enroll ~~full time or part time~~ in courses offered by state institutions of higher education provides new and exciting academic challenges to such pupils; and that such enrollment opportunities provide access to excellence in education.

SECTION 2. 22-35-104 (1), the introductory portion to 22-35-104 (3), and 22-35-104 (3) (a), (3) (c), and (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 22-35-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-35-104. Enrollment in institution of higher education - cooperative agreement. (1) Any pupil who is not more than ~~twenty~~ TWENTY-ONE years old and who is enrolled in the eleventh or twelfth grade of a school district, as defined in

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

section 22-30-103 (13), AND WHO IS DEEMED BY THE PUPIL AND THE PUPIL'S PARENT OR LEGAL GUARDIAN, WITH THE ADVICE AND COUNSEL OF THE PRINCIPAL OF THE HIGH SCHOOL IN WHICH SUCH PUPIL IS ENROLLED, TO BE IN NEED OF COURSE WORK AT A HIGHER ACADEMIC LEVEL THAN THAT AVAILABLE AT THE PUPIL'S SCHOOL OR IS DEEMED BY THE HIGH SCHOOL TO BE IN NEED OF A DIFFERENT ENVIRONMENT is eligible to apply to an institution of higher education to allow such pupil to enroll in ~~courses~~ SUCH INSTITUTION IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. ~~offered by such institution of higher education when such courses or courses similar thereto are not offered for college credit by such school district or when scheduling conflicts would prevent the student from taking the course at the high school.~~ THE SCHOOL DISTRICT SHALL NOTIFY ALL STUDENTS AND PARENTS OF THE OPPORTUNITY FOR POSTSECONDARY ENROLLMENT. THIS NOTIFICATION SHALL BE GIVEN WITH SUFFICIENT TIME TO ALLOW THE STUDENTS AND PARENTS TO CONSIDER THIS OPTION.

(2.5) THE WRITTEN NOTICE GIVEN PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL SPECIFY THE COURSES IN WHICH THE PUPIL INTENDS TO ENROLL. SUCH COURSES SHALL COUNT FOR CREDIT TOWARDS SUCH PUPIL'S GRADUATION REQUIREMENTS UNLESS SUCH CREDIT IS DENIED BY THE PRINCIPAL OF THE HIGH SCHOOL IN WHICH THE PUPIL IS ENROLLED AND SUCH DENIAL IS UPHeld BY THE SUPERINTENDENT AND THE LOCAL BOARD OF EDUCATION ON THE BASIS THAT HIGH SCHOOL CREDIT IS INAPPROPRIATE.

(3) WHEN A PUPIL ENROLLS IN COURSES AT AN INSTITUTION OF HIGHER EDUCATION FOR HIGH SCHOOL CREDIT PURSUANT TO SECTION 22-35-105 (2) OR (3) (a), the school district of the pupil and the institution of higher education in which the pupil desires to enroll shall enter into a cooperative agreement regarding the enrollment of and the funding method for the pupil in such institution of higher education, including, but not limited to:

(a) The academic credit to be granted for course work successfully completed by the pupil enrolled in the institution of higher education, which credit ~~may~~ SHALL qualify as high school credit; ~~or credit at the institution of higher education, or both;~~

(c) The requirement that any pupil ENROLLED PURSUANT TO THE PROVISIONS OF SECTION 22-35-105 (2) OR (3) (a) shall not be required to pay any tuition for SUCH courses; ~~accepted for high school credit; and~~

(4) Each high school pupil enrolled in a course FOR HIGH SCHOOL CREDIT offered by an institution of higher education who satisfactorily completes the requirements of the course shall receive appropriate credit toward a high school diploma. ~~unless such credit is denied by the high school in which the student is enrolled and such denial is upheld by the local board of education and the state board of education on the basis that high school credit is inappropriate.~~

SECTION 3. The introductory portions to 22-35-105 (2), (3), and (3) (a) and 22-35-105 (3) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 22-35-105 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

22-35-105. Financial provisions - payment of tuition. (2) If ~~more than three~~ pupils of any school district are enrolled pursuant to the provisions of this article in

~~the same~~ A course SECTION offered by ~~the same~~ AN institution of higher education ~~and~~ FOR HIGH SCHOOL PUPILS, EITHER AT THE REQUEST OF THE SCHOOL DISTRICT OR UPON THE INITIATIVE OF THE INSTITUTION OF HIGHER EDUCATION, THE INSTITUTION OF HIGHER EDUCATION SHALL BE RESPONSIBLE FOR COURSE CONTENT AND THE QUALITY OF INSTRUCTION AND SHALL BE REIMBURSED BY THE SCHOOL DISTRICT FOR COSTS PURSUANT TO THE COOPERATIVE AGREEMENT BETWEEN SUCH INSTITUTION AND SUCH SCHOOL DISTRICT. IN ADDITION, ~~if~~ BECAUSE any such pupil is receiving high school credit for such course PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (2):

(3) ~~Except as otherwise provided in subsection (2) of this section,~~ If pupils of any school district are enrolled pursuant to the provisions of this article in ONE OR TWO COURSES PER ACADEMIC TERM OFFERED BY any institution of higher education FOR POSTSECONDARY STUDENTS and:

(a) If the pupil so enrolled is receiving high school credit for such course: ~~and is enrolled in one or two courses offered by such institution of higher education:~~

(b) ~~If the pupil so enrolled is receiving high school credit for such course and is enrolled in three or more courses offered by such institution of higher education:~~

(I) ~~The pupil shall be included in the pupil enrollment of the school district in which such pupil is enrolled as determined pursuant to the provisions of section 22-53-103 (7):~~

(II) ~~The institution of higher education in which such pupil is enrolled shall include such pupil in counting full-time equivalent students pursuant to the provisions of title 23, C.R.S.:~~

(III) ~~The department of education shall annually withhold an amount equal to one-half of the per pupil operating revenues of the school district, as defined in section 22-53-103 (6), for each pupil enrolled in an institution of higher education pursuant to the provisions of this article. From such withheld amount, the department of education shall forward to the institution of higher education the amount of tuition to which the institution would be entitled on behalf of a regularly enrolled student taking such courses; except that, for any state-supported institution of higher education, such amount of tuition shall not exceed the in-state tuition rate charged by such state-supported institution of higher education, and, for any nonpublic institution of higher education, such amount of tuition shall not exceed the average in-state tuition charged by the representative group of comparable state institutions used for purposes of section 23-3.3-101 (1.5) (a), C.R.S. Any withheld moneys not used to pay for tuition pursuant to the provisions of this subparagraph (III) shall be credited to the general fund of the state.~~

(IV) ~~For purposes of this paragraph (b), notwithstanding any law to the contrary, every pupil enrolled in an institution of higher education pursuant to the provisions of this article who otherwise would not be classified as an in-state student for tuition purposes at any state-supported institution of higher education shall be classified as an in-state student for purposes of tuition.~~

(4) IF PUPILS OF ANY SCHOOL DISTRICT ARE ENROLLED PURSUANT TO THE PROVISIONS OF THIS ARTICLE IN THREE OR MORE COURSES PER ACADEMIC TERM

OFFERED BY ANY INSTITUTION OF HIGHER EDUCATION FOR POSTSECONDARY STUDENTS:

(a) THE INSTITUTION OF HIGHER EDUCATION IN WHICH SUCH PUPIL IS ENROLLED SHALL INCLUDE SUCH PUPIL IN COUNTING FULL-TIME EQUIVALENT STUDENTS PURSUANT TO THE PROVISIONS OF TITLE 23, C.R.S.;

(b) UNLESS OTHERWISE PROVIDED BY THE SCHOOL DISTRICT, IT SHALL BE THE RESPONSIBILITY OF THE PUPIL, FOR THE THIRD AND EACH ADDITIONAL COURSE PER ACADEMIC TERM, TO PAY THE AMOUNT OF TUITION TO WHICH THE INSTITUTION OF HIGHER EDUCATION WOULD BE ENTITLED ON BEHALF OF A REGULARLY ENROLLED STUDENT TAKING SUCH COURSES;

(b.5) IT SHALL BE THE RESPONSIBILITY OF THE SCHOOL DISTRICT TO PAY THE AMOUNT OF THE TUITION TO WHICH THE INSTITUTION OF HIGHER EDUCATION WOULD BE ENTITLED ON BEHALF OF A REGULARLY ENROLLED STUDENT TAKING SUCH COURSES FOR THE FIRST TWO COURSES PER ACADEMIC TERM; AND

(c) IT SHALL BE THE DECISION OF THE SCHOOL DISTRICT WHETHER OR NOT THE STUDENT SHOULD RECEIVE HIGH SCHOOL CREDIT FOR THE COURSES OFFERED BY THE INSTITUTION OF HIGHER EDUCATION.

(5) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO RESTRICT THE ABILITY OF INSTITUTIONS OF HIGHER EDUCATION TO OFFER INDEPENDENTLY COURSES FOR COLLEGE CREDIT OUTSIDE OF THE REGULAR SCHOOL DAY USING SCHOOL DISTRICT FACILITIES.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF A PUPIL, ENROLLED PURSUANT TO THE PROVISIONS OF THIS ARTICLE, VOLUNTARILY DROPS A COURSE, WITHOUT CONSENT OF THE PRINCIPAL OF THE HIGH SCHOOL IN WHICH SUCH PUPIL IS ENROLLED, IT SHALL BE THE RESPONSIBILITY OF THE PUPIL, OR SUCH PUPIL'S PARENT OR GUARDIAN, TO REIMBURSE THE SCHOOL DISTRICT FOR THE AMOUNT OF TUITION PAID BY THE SCHOOL DISTRICT TO THE INSTITUTION OF HIGHER EDUCATION PURSUANT TO THIS ARTICLE TO ENROLL SUCH PUPIL IN SUCH COURSE.

SECTION 4. 22-35-107, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-35-107. Institution of higher education - enrollment - limitations. Any institution of higher education to which a pupil has applied for enrollment pursuant to the provisions of this article may allow such pupil to enroll in courses offered by such institution of higher education. Any institution of higher education may limit the number of such pupils which the institution allows to enroll. EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-35-105 (2), any pupil who is allowed to enroll pursuant to the provisions of this article shall be included in the number of full-time equivalent students enrolled in the institution of higher education for the purpose of any limitation imposed on the total number of full-time equivalent students which may enroll in such institution of higher education.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993